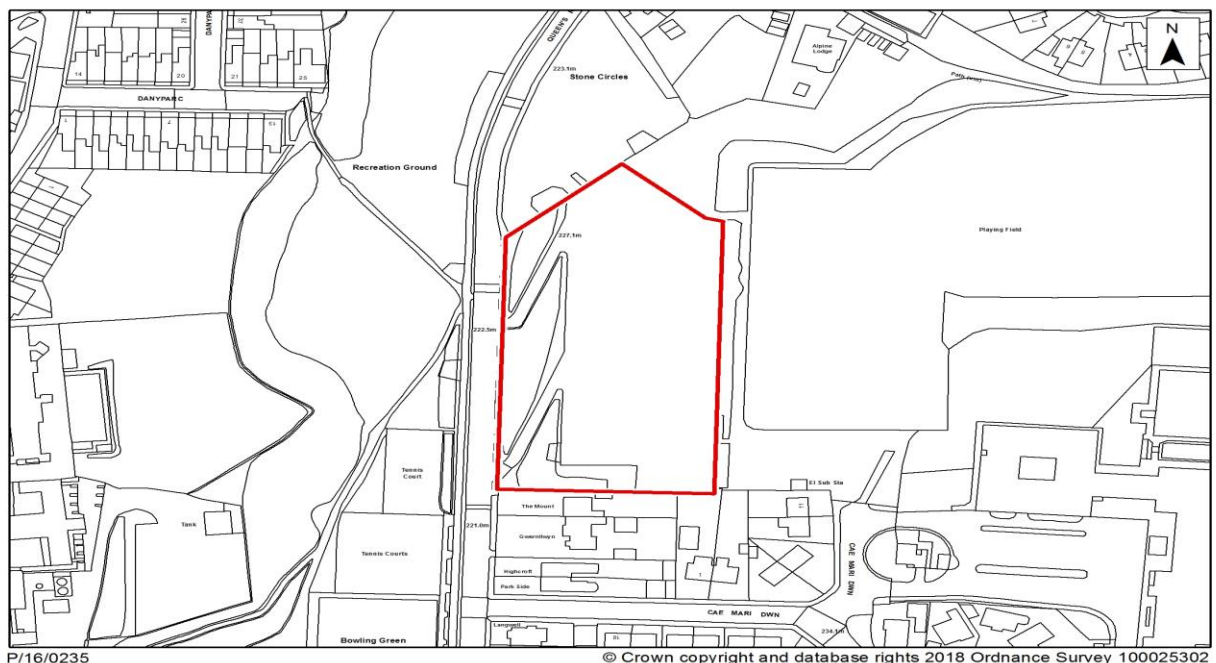


**FOR INFORMATION – APPEAL DECISION**

<b>DATE WRITTEN</b>	07 <sup>th</sup> June 2018
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	David Cross
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	20 <sup>th</sup> June 2018

<b>Application No.</b> P/16/0235	<b>Date</b> 25.07.2016	<b>Determining Authority</b> MTCBC
<b>Proposed Development</b>	<b>Location</b>	<b>Name &amp; Address of Applicant/Agent</b>
Residential development	Former Ysgol Santes Tudful School Queens Road Twynrodyn Merthyr Tydfil	Mr G Pritchard C/O Stephen George Architects 25 Courtland Terrace Merthyr Tydfil CF47 0DT



**TYPE OF APPEAL:** AGAINST REFUSAL  
**APPEAL REFERENCE NO.:** APP/U6925/A/17/3190603  
**DATE DECISION RECEIVED:** 23.03.2018  
**DECISION:** DISMISSED



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/18

gan **Joanne Burston BSc MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 23/03/18**

## Appeal Decision

Site visit made on 19/03/18

by **Joanne Burston BSc MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 23/03/18**

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**Appeal Ref: APP/U6925/A/17/3190603**

**Site address: Former Ysgol Santes Tudful School, Queens Road, Merthyr Tydfil, CF47 0HE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr G Pritchard against the decision of Merthyr Tydfil County Borough Council.
  - The application Ref P/16/0235, dated 3 May 2016, was refused by notice dated 21 September 2017.
  - The development proposed is outline application for residential development.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
3. The application was made in outline with appearance, scale, and landscaping reserved for future consideration. I have considered the appeal on this basis, although I note the illustrative drawings which demonstrate how the appellant envisages the development being carried out. The application details the dwelling parameters as: height 9.5 – 10.5 metres; width 8.5 – 13 metres; and length 9 -12 metres.

### Main Issues

4. The main issues in this case are the effect of the proposed development on:
  - the character and appearance of the surroundings, with particular reference to the layout and landscaping; and
  - the living conditions of the future occupiers of the dwellings, with particular reference to privacy.

## Reasons

5. The appeal site was formerly occupied by a primary school, prominently located on a raised plateau of land above Queens Road. It is roughly rectangular in shape and is bounded to the west by Queens Road and Thomas Town Park, to the east by Cyfarthfa High school, to the north by an area of open space and to the south by residential development.
6. The careful spatial planning gives generous gaps between detached or paired houses, revealing the local topography and wider landscape. The steep slope of undeveloped land is highly prominent and provides an important landscape punctuation. In this regard, the appeal site and the rest of the open land extending beyond it make a positive contribution to the sense of a spacious and verdant suburban layout that is intrinsic to the character and appearance of the area.
7. The Thomas Town Conservation Area lies some 160 metres to the north of the site, however, the appeal site falls within the Merthyr Tydfil Landscape of Outstanding Historic Interest. Therefore, the setting of the Conservation Area is an important factor and care should be taken to protect, conserve and enhance the historic landscape. The site is also located within the Primary Growth Area as set out in the Merthyr Tydfil Local Development Plan 2011 (LDP). As such the principle of residential development is generally supported.
8. The illustrative layout (option 7) consists of 20 detached and semi-detached houses, positioned on either side of an access road. The road would broadly cross the site diagonally from the north west to the south east. Given the change in ground levels the access road would be bordered either side by a retaining wall of between 1.25 – 3.75 metres. Landscaping would be provided between the proposed dwellings and Queens Road and within the gardens bordering the access road.

### *Character and appearance*

9. Technical Advice Note 12: Design (TAN 12) states that *"The design of our villages, towns, cities and the urban and rural landscape is important in articulating our nation and our culture. Design is important to our quality of life, and the quality of Wales' varied landscape and townscapes – helping to sustain a positive image for Wales."* Further, Planning Policy Wales, edition 9 (PPW), establishes that *"Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings."*
10. This national policy and guidance is reflected in the Merthyr Tydfil Local Development Plan 2011 (LDP), Policy BW7, which requires new development to, amongst other matters: be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density; integrate effectively with adjacent spaces and the public realm to enhance the general street scene and create good quality townscape; and incorporate a good standard of landscape design.
11. It is accepted that residential development in the surrounding area is varied and that the appeal scheme would be capable of creating its own character albeit taking clear references from the neighbouring properties. I also accept that the site would be

capable of accommodating the proposed 20 dwellings. Nevertheless, I share the Council's concerns about the layout of the proposed development.

12. The proposed private amenity spaces would be adequate in size but the overlapping nature of some of the gardens with parking spaces and garages does not represent a high quality of design. Further, the orientation of the dwellings, which turn their backs on the access road, do not reflect or reference the neighbouring properties and would fail to respect the character of the surrounding area as set out above. I am also concerned that the retaining walls would create a 'canyon' effect along the access road with the buildings seeming to dominate the appeal site rather than providing a graduating link between public and private spaces.
  13. I recognise that the application is outline with landscaping reserved. However, notwithstanding that additional planting could be secured via condition or at reserved matters stage, given the layout and the extent of land available for planting it is unlikely that the landscaping would reflect the verdant character of the surrounding area and provide a connection to it. This is particularly important given the neighbouring Conservation Area and historic interest landscape designation.
  14. It is acknowledged that the proposal has been through a number of design reiterations in consultation with the Council and I note the reasons why these have been discounted, primarily due to the site constraints. Nonetheless, site constraints are not a reason to permit a scheme of poor design. Moreover, given that an earlier scheme was found acceptable by the Council I have no evidence that an acceptable layout could not be designed<sup>1</sup>.
  15. Overall, the layout would lead to the street scene being dominated by parking areas, substantial retaining walls and garden boundaries, which given the layout proposed, could not be mitigated by landscaping. Accordingly, the layout of the appeal scheme would neither be of a high quality of design or enhance the general street scheme contrary to the aims of LDP Policy BW7.
- Living conditions*
16. The rear gardens of plots 13 – 20 are bounded by a low wall of approximately 0.30 metres topped with 1.2 metre high railings. These gardens are not directly overlooked; however I consider that this boundary treatment would result in the perception of overlooking, particular given the close proximity of the footpath along the rear boundary of plots 15 - 20.
  17. Given this situation future occupiers may replace the railings with close boarded timber fencing which would further exacerbate my concerns relating to the character and appearance of the area.
  18. Therefore, the proposal is unacceptable with regard to the perceived loss of privacy of plots 13 - 20. The proposal is therefore contrary to LDP Policy BW7 which requires, amongst other matters, that new development would not result in unacceptable impact on local amenity in terms of loss of privacy.

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<sup>1</sup> Planning permission ref: P/11/0107

*Other Matters*

19. LDP Policy AS22 establishes that the Council will seek, on sites of 10 units or more, the indicative provision of: 10% affordable housing in the Primary Growth Area; or 5% affordable housing in the Secondary and Other Growth Areas.
20. The appellant has confirmed that he is willing to make a contribution towards the provision of affordable housing, indeed he has provided letters from two Affordable Housing Providers who are interested in developing the site for affordable housing. However, I have seen no evidence of a Section 106 agreement that secures affordable housing and, as I am dismissing this appeal for other reasons I have not considered this matter further.

**Conclusion**

21. There are benefits associated with the re-use of vacant land within the Primary Growth Area for residential proposals and some of the Council's concerns could be addressed by the imposition of suitable conditions and within reserved matter submissions. However, these benefits are substantially and demonstrably outweighed by the adverse harm caused by the layout of the appeal scheme not being a sufficiently high quality of design and the effect on the living conditions of future occupiers. Accordingly, it would conflict with LDP Policy BW7 as set out above.
22. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*Joanne Burston*

INSPECTOR